

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 1:05-CR-27  
Honorable Gordon J. Quist

JOSEPH EDWARD TOWER and  
CHARLES LOUIS KITTERMAN,

Defendants.

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**REPORT AND RECOMMENDATION**

Pursuant to W.D. Mich. LCrR 11.1 and upon a request of the district court, I conducted a felony plea hearing in this matter on May 5, 2005, after receiving the written consent of the defendants, the defendants' attorneys, and the attorney for the government. These consents were also placed on the record in open court.

Defendants Joseph Edward Tower and Charles Louis Kitterman are each charged in a single count Indictment with counterfeiting \$50.00 federal reserve notes. I reviewed the facts with the defendants which show that they committed the offense charged. Briefly stated, those facts show that each defendant participated in several of the steps necessary to produce a number of counterfeit federal reserve notes. Specifically, defendant Tower scanned in and printed the counterfeit documents, which Kitterman then cut and treated with a spray.

On the basis of this record, I found that defendants were competent to enter pleas of guilty and that their pleas were knowledgeable and voluntary with a full understanding of each of the rights waived by the defendants, that the defendants fully understood the nature of the charge and the consequences of their pleas, and that the defendants' pleas had a sufficient basis in fact which contained all of the elements of the offense charged.

I also inquired into the plea agreements. I found the plea agreements to have been knowingly and voluntarily made and found that they fully reflected all of the promises made by the parties.

Accordingly, I accepted the pleas of guilty, subject to final acceptance of the pleas by the District Judge, and I specifically reserved acceptance of the plea agreements for the District Judge. I ordered the preparation of presentence investigation reports, and directed that a transcript of the proceedings be prepared and filed with the Clerk of the Court.

### **Recommendation**

Based upon the foregoing, I respectfully recommend that the defendants' pleas of guilty to the single count of the Indictment be accepted, that the court adjudicate the defendants guilty of that charge, and that the written plea agreements be accepted at, or before, the time of sentencing.

Dated: May 5, 2005

/s/ Hugh W. Brenneman, Jr.  
Hugh W. Brenneman, Jr.  
United States Magistrate Judge

### **NOTICE TO PARTIES**

You have the right to de novo review by the district judge of the foregoing findings. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten (10) days after the plea hearing. See W.D. Mich. LCrR 11.1(b).